

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

STEVEN HARRISON, #R0065

VS.

CIVIL ACTION NO. 2:08cv250-KS-MTP

WILLIAM JARVIS, Warden

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause came on this date to be heard upon Defendant's Motion to Dismiss filed pursuant to § 2244(d) [13], Response thereto by Petitioner [15], Report and Recommendation of the United States Magistrate Judge filed August 11, 2009 [17], and Objection to Report and Recommendation filed by Petitioner Steven Harrison [18], and the Court having fully reviewed same, as well as the record in this matter and being fully advised in the premises, finds that the Report and Recommendation should be adopted as the opinion of this Court.

The Court notes that the Report and Recommendation finds that the petition for *habeas corpus* was not filed until approximately eight years after the federal statute of limitations expired. The Report and Recommendation finds that the statute of limitations has expired and finds that the petition should be dismissed. In his response to the petition, Harrison does not dispute the running of the statute of limitations, but makes some allegations that he should be granted extra consideration because of his status as an inmate and that there should be equitable tolling. He states no basis for the equitable tolling or any other reason why the Report and Recommendation of Judge Parker is in error. This Court finds that the Report and Recommendation is a correct statement of the law and recitation of the facts and that the findings are correct.

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same

hereby is, adopted as the finding of this Court, and the Complaint is hereby dismissed with prejudice. A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 14th day of October, 2009.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE